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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,851	12/20/1999	BRUCE A. LEAK	MS-137856.1	2863

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WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2611

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/467,851	Applicant(s) LEAK ET AL.	
	Examiner Hai Tran	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1, 4-22, 25 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,23,24,26-37 and 39-51 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/09/2005 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 06/09/2005 have been fully considered but they are not persuasive.

Applicant argues, "... ATVEF fails to disclose a receiver that functions in the claimed manner. 1<sup>st</sup>, the reference does not appear to distinguish between different types of enhancement content, such as connected content and disconnected content."

In response, the Examiner respectfully disagrees because ATVEF clearly defines two (2) kinds of transport. Transport A is for delivery of triggers by the forward path and the pulling of data by a (required) return path (connected content) and transport B is for delivery of triggers and data by forward path where the return path is optional, i.e., connected or disconnected content based on its attribute value, see section 2.2 Transport Type B: Broadcast data pages 11-12.

Thus, ATVEF does distinguish between different types of enhancement content (connectivity value), such as connected content, for example, Transport Type A trigger have attribute "tve:" in which the receiver must have an Internet connections in order to run transport Type A, and disconnected content, for example Transport type B can run on receiver without Internet connection have attribute "lid:" indicates the resources are delivered only through broadcast and are not available on demand/Internet, and attribute "http:" indicates the resources are delivered only through broadcast or pre-loads the local cache and also exist on the Internet for accessing if needed, according to the receiver implementation of setting its own policy, as suggested by ATVEF, see section 1.1.5 Triggers.

Applicant further argues, "ATVEF fails to disclose or suggest that a receiver will only execute a connected-content trigger and thereby access the connected content when the configuration information specifies that the receiver is connected."

In response, the Examiner cites ATVEF section 1.1.4 The Trigger Receiver Object indicates that when the property values of the triggerReceiverObj.backchannel is set to a value, "permanent" -- Always connected. This property value, "permanent" is "the configuration information" specifies that the receiver is connected. The receiver, of course, based on its property value for determining its condition of connectivity with the Internet for executing the connected-content trigger, i.e., Transport Type A trigger, according to the receiver own policy, as suggested by ATVEF, see section 1.1.5 Triggers.

As to Applicant argument, "ATVEF also fails to disclose or suggest that upon determining a content trigger includes a connectivity value distinguishing the trigger as a disconnected-content trigger, regardless of whether the configuration information indicate that the receiver is connected or disconnected, the disconnected-content trigger is executed to thereby access the enhanced content from local storage without utilizing a bi-directional connection with a remote source to access the enhanced content."

As discussed above, ATVEF suggests that the receiver implementation is able of setting its own policy, see section 1.1.5 Triggers; therefore, ATVEF meets and encompasses Applicant claim limitation because the receiver has the flexibility to set its policy as, regardless the state of the receiver is connected or disconnected, the disconnected-content trigger (Transport type B with attribute "lid:") will always access the enhanced content from local storage.

As such, the Examiner maintains the rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-3, 23-24, 26-37, 39-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as

to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claims 23, 36, 39, and 42 with newly added limitations "regardless of whether the configuration information indicates that the receiver is connected or disconnected, executing the disconnected content trigger to thereby access the enhanced content from local storage without utilizing a bi-directional connection with a remote source to access the enhanced content" was not described in the specification.

The following art rejection is applied to applicant claims as best understood in view of the 112 1<sup>st</sup> paragraph rejection above.

### ***Claim Objections***

Claim 39 objected to because of the following informalities:

Line 24, limitation "a receiver as recited in claim 38" should be changed to -- a receiver as recited in claim 36 --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 2-3, 23-24, 26-37, and 39-51 are rejected under 35 U.S.C. 102(a) as being unpatentable by ATVEF (Draft, version 1.1r26 updated 02/02/99).

Claim 23, ATVEF discloses in an interactive television system that includes a receiver having customizable configuration information specifying whether the receiver is connected or disconnected (page 5, § 1.1.4 in which "triggerReceiverObject.backchannel" indicates the state of the receiver, i.e., connected/disconnected – page 6), wherein the receiver can receive both (see § 2 – Transport Specification; page 10-12) connected content (transport Type A; i.e., <url> or <<http://{namespace-id}/{resource-path}>>) that can be accessed when the receiver is connected ("triggerReceiverObject.backchannel" with value, i.e., permanent) and disconnected content (transport Type B; i.e., <Lid://{namespace-id}/{resource-path}>) that can be accessed when the receiver is disconnected ("triggerReceiverObject.backchannel" with value, i.e. unavailable), a method for preventing a viewer from being interrupted by links to inaccessible connected content when the receiver is disconnected, the method comprising:

"storing configuration information that can be customized to control when the receiver will execute a connected-content trigger that links to connected content and when the receiver will execute a disconnected-content trigger that links to disconnected content, the connected content comprising enhanced content that is accessed by the receiver when the receiver is in a connected state and the

disconnected content comprising enhanced content that is accessed by the receiver when the receiver is in a disconnected state, and wherein the receiver will only execute a connected-content trigger and thereby access the connected content when the configuration information specifies that the receiver is connected.” Reads on ATVEF § 1.1.5 Triggers, in which ATVEF indicates that Receiver implementers are free to decide how to turn on enhancement and how to enable the user to choose among enhancement. Thus, ATVEF inherently stores configuration information set by implementers.

“receiving a content trigger linking to enhanced content” is further met by ATVEF (page 12, section 2.3);

“determining based on a connectivity value, whether the content trigger is a connected content trigger or a disconnected-content trigger; upon determining that the content trigger include a connectivity value distinguishing the trigger as a connected-content trigger, and upon determining, that the configuration information indicates that the receiver is connected, executing the connected-content trigger to thereby access the enhanced content from a remote source over a bi-directional connection;” is further met by ATVEF § 2.1 Transport Type A (page 10-11) and

“upon determining that the content trigger includes a connectivity value distinguishing the trigger as a disconnected-content trigger, regardless of whether the configuration information indicates that the receiver is connected or disconnected, executing the disconnected content trigger to thereby access the enhanced content from the local storage without utilizing a bi-directional connection



with a remote source to access the enhanced content” is further met by ATVEF because ATVEF suggests that the receiver implementation is able of setting its own policy, see section 1.1.5 Triggers; therefore, ATVEF meets and encompasses Applicant claim limitation in which the receiver has the flexibility to set its policy as, regardless the state of the receiver is connected or disconnected, the disconnected-content trigger (Transport type B with attribute “lid:”) will always access the enhanced content from local storage.

Claim 2, ATVEF further discloses wherein disconnected content is content that does not require a bi-directional connection to a remote information store (Type A; page 11, section 2.2).

Claim 3, ATVEF further discloses wherein executing a connected-content trigger comprises at least one of establishing and maintaining a bi-directional connection to a remote information store (Type A; page 10-12, section 2.1-2.3).

Claim 24, wherein executing a connected-content trigger comprises displaying information associated with the connected-content trigger (page 26, Appendix D: Using Enhanced TV).

Claim 26, as to “modifying the configuration information from specifying that the receiver is disconnected to specifying that the receiver is connected”, it is clear that configuration can be modified by receiver implementer see page 6, sect. 1.1.5.

Claim 27, as to “the configuration information is remotely modified by a third party” is further met by Script embedded in trigger enhancement (page 7, and section Script).

Claim 28, as to “wherein the configuration information is modified by a user of the receiver” is further met by ATVEF because the user must be able to configure its receiver to be connected or disconnected, see page 6, sect. 1.1.5.

Claim 29, ATVEF further discloses wherein the receiver receives and executes a connected-content trigger after the configuration information specifies that a previously disconnected receiver is now connected (see page 5, section 1.1.4 in which “triggerReceiverObject.backchannel” ‘s value, i.e., connected – currently connected, but not always; This indicates that the previous state of the receiver is disconnected and now is connected. Moreover, ATVEF further indicates that Receiver implementers are free to decide how to turn on enhancements and on how to enable users to choose among enhancements; thus ATVEF encompasses claim 29).

Claim 30, wherein the connected-content trigger is received by the receiver when the configuration information specifies that the receiver is disconnected (see page 5-6 of Trigger Receiver Object), and wherein the receiver stores the connected-content trigger at least until the configuration information specifies that the receiver is connected (see page 5, section 1.1.4; page 10, sections 2.1, 2.2 and 2.3; and page 14).

Claim 31, wherein the receiver executes the connected-content trigger at a later time when the configuration information specifies that the receiver is connected (see Trigger Receiver Object of pages 5-6 wherein the return value is "disconnected" that indicates the receiver is Not currently connected, but can connect).

Claim 32, see analysis of claim 26.

Claim 33, see analysis of claim 27 (see page 6, section 1.1.5).

Claim 34, see analysis of claim 28.

Claim 35, "wherein the configuration information is stored in a local memory of the receiver" is further met by ATVEF in order to perform as disclosed.

Claims 36, 39, and 42 are analyzed with respect to claim 23.

Claims 37, and 43 are analyzed with respect to claim 26.

Claims 40 and 44 are analyzed with respect to claim 30.

Claims 41 and 45 are analyzed with respect to claim 31.

Claim 46, limitation "wherein the later time is an end of a delay period beginning upon receipt of the connected-content trigger" is further met by ATVEF, page 7, [expires:*time*].

Claim 47, ATVEF further discloses receiving a disconnected-content trigger; and distinguishing the disconnected-content trigger based on a connectivity value associated with the disconnected-content trigger (see Trigger Receive Object, page 5-6, section 1.1.4).

Claim 48, ATVEF further discloses executing the disconnected-content trigger (see page 12, section 2.3).

Claim 49, "wherein the connectivity value indicates that the content trigger is a connected-trigger even when the connected-trigger links to a locally stored enhancement content" reads on ATVEF § 2.3 Simultaneous Support Transports A (for connected) and B (can run on TV broadcast network without Internet connection and an additional Internet connection allowing a return path can be added to provide two-way capabilities) in which ATVEF clearly indicates in § 1.1.5 Triggers that Receiver implementers are free to decide how to turn on enhancements and how to enable user to choose among enhancements

Claim 50, wherein the locally stored enhancement content links to additional enhancement content that is accessible to the receiver through a bi-directional connection to a remote source (see § 2.2 Transport Type B, page 11).

Claim 51, wherein a connected content trigger is filtered out and subsequently ignored by the receiver upon determining that the receiver is disconnected (see ATVEF § 2.3).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

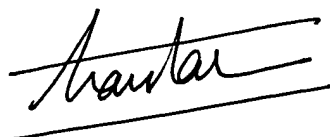
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
08/04/2005

A handwritten signature in black ink, appearing to read 'HAITRAN', is written over two horizontal lines.

**HAITRAN  
PRIMARY EXAMINER**